IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.1577/07

Sita Ram **Versus** State & Ors.

DATE OF ORDER :: 23/10/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Rajesh Gadwal, for petitioner
Mr. Arun Sharma, Public Prosecutor for State

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Instant petition has been filed assailing the order dt.11th July, 2005 whereby application filed u/ss.145/146 Cr.P.C. was rejected and revision petition preferred against the said order was also dismissed by the court of revision by a detailed order dt.7th August, 2007.

SHO Police Station submitted a report before Executive Magistrate for initiating proceedings u/s.145 Cr.P.C. as there is possibility of breach of peace, but after hearing parties, the Executive Magistrate after taking into consideration the submission of parties to the dispute observed that there is no possibility of breach of peace and the matter is already pending before the revenue court and after consideration of their application filed u/s.212 of Tenancy Act, the Court was not inclined to appoint Receiver and directed to maintain status quo, consequently has not considered appropriate to interfere in proceedings initiated u/ss.145/146

Cr.P.C. Court of Revision has also examined in detail and has not considered appropriate to interfere, particularly, in the matter where the dispute is pending before revenue court and on application for interim relief filed u/s.212 of Tenancy Act, appropriate order has been passed.

This court has gone through the orders impugned and does not find any justification to interfere therein.

Consequently, the misc. petition fails and is hereby dismissed.

[AJAY RASTOGI],J.